

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN - MODIFIED

In re:

Gregori Steven Mejia
Yesenia Mejia

Dated: **November 5, 2009**

DEBTOR
*In a joint case,
debtor means debtors in this plan.*

Case No. **09-60554**

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- a. As of the date of this plan, the debtor has paid the trustee **\$ 1,680.00**.
- b. After the date of this plan, the debtor will pay the trustee **\$ 620.00** * per **Month** for **55** months, **beginning November 26, 2009**, for relief for a total of **\$ 38,580.00**. The minimum plan payment length is **X** 36 or **60** months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee .
- d. The debtor will pay the trustee a total of **\$ 40,260.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or **\$ 4,026.00**, [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>Total Payments</i>
a. <u>Fireside Bank</u>	<u>\$ 80.00</u>	<u>2</u>	<u>\$ *160.00</u>
b. <u>TOTAL</u>			<u>\$ 160.00</u>

***PAID**

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
a. <u>Ford Motor Credit</u>	<u>2007 Ford Edge (14,000 Miles)</u>

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Property</i>
<u>-NONE-</u>	

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. **All following entries are estimates.** The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>Us Bank Home Mortgage</u>	<u>\$ 6,558.15</u>	<u>\$ 117.11</u>	<u>1</u>	<u>55</u>	<u>\$ 6,558.15</u>
b. <u>TOTAL</u>					<u>\$ 6,558.15</u>

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. **All following entries are estimates, except for interest rate.**

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if applicable)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>Ford Motor Credit</u>	<u>\$ 602.30</u>		<u>\$ 9.94</u>	<u>1</u>	<u>55</u>	<u>\$ *602.30</u>
b. <u>TOTAL</u>						<u>\$ 602.30</u>

*PAID FORD MOTOR CREDIT: \$55.63

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM Binds THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg.	(Monthly Pmnts)	(No. of Pmnts) x Pmnts)	Pmnts on Account of Claim	from 3) =	(Adq. Prot.	TOTAL PAYMENTS
				in Mo. #					+ 3)	
a. <u>Citifinancial Fireside</u>	\$ <u>11,964.00</u>	\$ <u>11,964.00</u>	<u>12</u>	<u>1</u>	\$ <u>283.86</u>	<u>55</u>	\$ <u>15,612.45</u>	\$ <u>0.00</u>	\$ <u>15,612.45</u>	
b. <u>Bank</u>	\$ <u>11,200.00</u>	\$ <u>8,000.00</u>	<u>4.5</u>	<u>1</u>	\$ <u>147.57</u>	<u>55</u>	\$ <u>8,788.40</u>	\$ <u>160.00</u>	\$ <u>*8,948.40</u>	
c. TOTAL										\$ <u>24,560.85</u>

*PAID FIRESIDE BANK: \$767.96

9. PRIORITY CLAIMS — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	BEGINNING IN	Number of Payments	TOTAL PAYMENTS
			Month #		
a. <u>Attorney Fees</u>	\$ <u>2,200.00</u>	\$ <u>80.52</u>	<u>11</u>	<u>9</u>	<u>*2,200.00</u>
b. <u>Department of Rev</u>	\$ <u>620.47</u>	\$ <u>80.52</u>	<u>20</u>	<u>8</u>	\$ <u>620.47</u>
c. TOTAL			<u>32</u>		\$ <u>2,820.47</u>

*PAID ATTORNEY FEES: 849.99

10. SEPARATE CLASSES OF UNSECURED CREDITORS — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
	Rate (if any)					
a. TOTAL						\$ 0.00

11. TIMELY FILED UNSECURED CREDITORS — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 1,692.23 [line 1(d) minus lines 2, 6(b), 7(b), 8(c), 9(c) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 3,200.00.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 90,642.87.
- Total estimated unsecured claims are \$ 93,842.87 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS —

*The plan is a step plan which will pay as follows: \$620.00 Monthly for 11 months, then \$690.00 Monthly for 9 months, then \$730.00 Monthly for 35 months.

Title in any secured property will vest in Debtor upon payment of the secured portion of the creditor's claim and Debtor's Discharge. Debtor shall receive a discharge upon completion of the scheduled plan payments or upon payment of 100% of timely filed unsecured claims, whichever occurs first. Trustee shall not pay any untimely filed general unsecured creditors (excluding taxing authorities). Claims filed as secured but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 11 above.

For tax year 2009, a proof of claim may be filed by any entity that holds a claim against the debtor for taxes that

become payable to a governmental unit while the case is pending and the trustee shall pay such claim as submitted pursuant to 11 U.S.C. Statute 1305.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2].....	\$ 4,026.00
Home Mortgage Defaults [Line 6(b)].....	\$ 6,558.15
Claims in Default [Line 7(b)].....	\$ 602.30
Other Secured Claims [Line 8(c)].....	\$ 24,560.85
Priority Claims [Line 9(c)].....	\$ 2,820.47
Separate Classes [Line 10(a)].....	\$ 0.00
Unsecured Creditors [Line 11].....	\$ 1,692.23
TOTAL [must equal Line 1(d)].....	\$ 40,260.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

William P. Kain 143005
Lund Kain Scott, PA
13 7th Ave. S
St. Cloud, MN 56301
320-252-0330
143005

Signed **/s/ Gregori Steven Mejia**
Gregori Steven Mejia
DEBTOR

Signed **/s/ Yesenia Mejia**
Yesenia Mejia
DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT
District of Minnesota**

Case No: 09-60554

In re: Gregori Steven Mejia
Yesenia Mejia

Debtors

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the Notice of Hearing and Motion, Amended Schedule J, Memorandum in Support of Debtor's Motion for Post-Confirmation Modification and Modified Chapter 13 Plan were mailed to all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail on December 2, 2009.

Date: December 2, 2009

/e/ WILLIAM P. KAIN-#143005

EXHIBIT

AMERICAN ACCOUNTS & ADVISERS
3904 CEDARVALE DR
SAINT PAUL MN 55122

AMERICAN COLLECTIONS
919 ESTES CT
SCHAUMBURG IL 60193

AQUA FINANCE
COLLECTIONS
PO BOX 844
WAUSAU WI 54402

BANK OF AMERICA
BANKRUPTCY NC4-105-02-77
PO BOX 26012
GREENSBORO NC 27410

BENEFICIAL
BANKRUPTCY
961 WEIGEL DR
ELMHURST IL 60126

BRAZOS
PO BOX 7051
UTICA NY 13504

CAPITAL ONE BANK
C/O TSYS DEBT MANAGEMENT
PO BOX 5155
NORCROSS GA 30091

CENTRAL MINNESOTA ANESTHE

CHASE
BANKRUPTCY DEPT
PO BOX 100018
KENNESAW GA 30156

CHASE - TOYS R US
800 BROOKSEdge BLVD
WESTERVILLE OH 43081

CITIFINANCIAL
PO BOX 499
HANOVER MD 21076

CITIFINANCIAL
PO BOX 6931
THE LAKES NV 88901-6931

CITY OF ST CLOUD
400 2ND ST S
SAINT CLOUD MN 56301

DEPARTMENT OF REV

DIRECT MERCHANTS BANK
CARD MEMBER SERVICES - GSC
PO BOX 5246
CAROL STREAM IL 60197

DUPAGE MEDICAL GROUP
1860 PAYSHERE CIRCLE
CHICAGO IL 60674

ENCORE
400 N ROGERS RD
PO BOX 3330
OLATHE KS 66063-3330

FIRESIDE BANK
BANKRUPTCY
PO BOX 9085
PLEASANTON CA 94566

FORD MOTOR CREDIT

FORD MOTOR CREDIT
PO BOX 64400
COLORADO SPRINGS CO 80962-4400

GEICO
PO BOX 5712
HICKSVILLE NY 11802

GEMB/CARE CREDIT
PO BOX 981439
EL PASO TX 79998

GEMB/JC PENNEY
BANKRUPTCY
PO BOX 103106
ROSWELL GA 30076

HSBC
PO BOX 5222
CAROL STREAM IL 60197-5222

HSBC BANK
BANKRUPTCY
PO BOX 5253
CAROL STREAM IL 60197

HSBC BEST BUY
BANKRUPTCY
PO BOX 6985
BRIDGE WATER NJ 08807

I.C. SYSTEM, INC.
444 HIGHWAY 96 EAST
PO BOX 64887
SAINT PAUL MN 55164

MACYS
MACY'S BANKRUPTCY
PO BOX 8053
MASON OH 45040

MIRAMED REVENUE GROUP, LLC
P.O. BOX 536
LINDEN MI 48451-0536

NEW MILLENNIUM BANK
57 LIVINGSTON AVE
NEW BRUNSWICK NJ 08901

PAUL MICHAEL MARKETING
18609 UNION TPKE
FLUSHING NY 11366

PELLETTIERI
991 OAK CREEK DR
LOMBARD IL 60148

SALLIE MAE
CLAIMS DEPT
PO BOX 9500
WILKES BARRE PA 18773

SAMS CLUB
BANKRUPTCY DEPARTMENT
PO BOX 103104
ROSWELL GA 30076

ST. CLOUD EAR NOSE & THROAT
1528 NORTHWAY DR
SAINT CLOUD MN 56303

TARGET NATIONAL BANK
PO BOX 59317
MINNEAPOLIS MN 55459-0317

TARGET VISA
PO BOX 9475
MINNEAPOLIS MN 55440

TCF NATIONAL BANK
801 MARQUETTE BANK
MINNEAPOLIS MN 55402

TJX
CARDMEMBER SERVICE
PO BOX 94012
PALATINE IL 60094-4012

US BANK HOME MORTGAGE
ATTN: BANKRUPTCY DEPT
PO BOX 5229
CINCINNATI OH 45201

WF NATIONAL BANK
BANKRUPTCY
4137 121ST ST
URBANDALE IA 50323

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Gregori Steven Mejia
Yesenia Mejia
Debtor(s).

SIGNATURE DECLARATION

Case No. 09-60554

PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN
 OTHER (Please describe: MOTION TO MODIFY POST-CONFIRMATION CHAPTER 13 PLAN)

I [We], the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury:*

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 11/22/09

X

Signature of Debtor or Authorized Representative

Gregori Steven Mejia

Printed Name of Debtor or Authorized Representative

X

Signature of Joint Debtor

Yesenia Mejia

Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)